IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3056 OF 2006
in
WRIT PETITION NO.3786 OF 1998

Laxman Dattatraya Limaye .. Petitioner

vs

M/s Mahavir Rice Mills .. Respondents

Mr.Rajiv Patil for Petitioner

Mr.V.B.Ghorpade for Respondents

CORAM : S.A.BOBDE, J

DATED : 17th August, 2007

P.C.

1. There is no merit in the application for the applicant's prayer that the executing court should give the rent receipt at the reduced rate of rent for Rs.400/- adjusting the entire excess rent for the period from December, 1998 to December 2007.

2. It is rightly pointed out by the learned counsel for the petitioner/landlord that the issue as to whether the rent was validly reduced is itself pending adjudication and therefore the rent receipt need not be issued by the executing court. Hence, contention of the learned counsel for the petitioner is correct. Prayer is rejected. However, the executing court shall maintain a true account of the amounts deposited by the applicant. It is clarified that all the amounts deposited shall be without prejudice to the rights and contentions of the parties as may be finally determined by this Court.

(S.A.Bobde, J)